# Registry of the Competition Tribunal

# 2010–2011

# Report on Plans and Priorities

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Tony Clement
Minister of Industry

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# Minister's Message

Our government is committed to positioning Canada to exit the current downturn quickly and emerge stronger and more competitive in the global economy. In doing so, Industry Canada and its Portfolio partners will continue to play their key roles in increasing the country's capacity to create jobs and economic growth — for next year and the next decade.

While the recession originated beyond our borders, it had real consequences for Canadians and Canadian business. And despite improving conditions, there is work to be done. In 2010, a major focus will be completing the stimulus measures of Canada's Economic Action Plan (www.actionplan.gc.ca). Introduced in Budget 2009, the Plan's full effect will be felt in 2010–11, and its measures will help solidify the recovery.

Over this period, Industry Canada and its Portfolio partners will work with industries and sectors hit hardest by the recession. Initiatives will include activities to boost community economic development and to extend broadband infrastructure to underserved or unserved areas across the country. To build on the momentum gained through our past investments in science and technology, significant effort will be directed to shaping the knowledge-based economy.

Industry Canada will also focus on supporting business and industry to capitalize on emerging opportunities at home and abroad. Getting our economic frameworks right, through forward-looking policies, is central to ensuring Canada's place in the global marketplace. We remain committed to two-way trade and investment, which raises our capacity to create jobs and economic growth and provides for sustainable prosperity.

One of the Competition Tribunal's priorities for 2010–11 is to adopt more technology. The additional jurisdiction delegated to the Competition Tribunal through amendments to the *Competition Act* could translate into more cases for the Tribunal. The Tribunal will continue to place significant emphasis on the learning program of its members to prepare them to deal with these new cases.

I will work with my colleagues, the private sector and other governments to advance the recovery and build the foundation for a strong, competitive economy.

It is my pleasure to present this year's *Report on Plans and Priorities* for the Competition Tribunal.

Tony Clement
Minister of Industry

# Section I: Departmental Overview

## Summary Information

## Raison d'être and Responsibilities

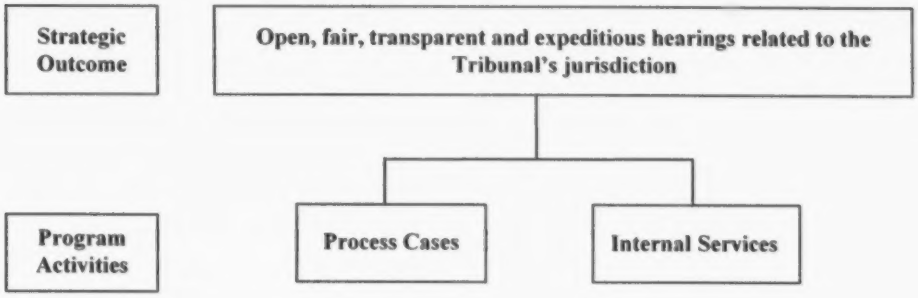
The Competition Tribunal is a quasi-judicial adjudicative tribunal whose sole purpose and raison d'être is to hear and decide all applications related to civil reviewable matters set out in the *Competition Act*: deceptive marketing practices (Part VII.1) and restrictive trade practices (Part VIII). The purpose of this legislation is to maintain and encourage competition in Canada and to provide a fair and secure marketplace for Canadians. The Tribunal operates at arm's length from government and its departments. The *Competition Tribunal Act* that establishes the Tribunal also provides for the Registry of the Competition Tribunal, an administrative infrastructure to support the proper conduct of the business of the Tribunal.

The Registry of the Competition Tribunal is designated a department under the *Financial Administration Act*. It supports all aspects of the Tribunal's work and ensures the Tribunal can hold hearings anywhere in Canada, as necessary. Registry headquarters are located in the National Capital Region. Parties to Tribunal cases file applications and documents with the Registry, which also issues documents and orders for all cases brought before the Tribunal. This Report on Plans and Priorities pertains to the activities of the Registry in support of the Tribunal and its deliberations, and not to Tribunal cases themselves.

Since its creation in 1986, the Tribunal has heard cases relating to mergers, abuse of dominant position, deceptive marketing and various trade practices that have involved key players in several industries. Cases have involved a number of business areas, including pharmacies; furniture stores; importers of cast iron pipes; airline computer reservation systems; oil refining and gasoline retailing; community newspapers; aspartame; waste disposal; car parts; marketing research services; green handling services; weight-loss products; fuel-saving devices; fireplace maintenance products; banking services; poultry supply; and career management services.

## Strategic Outcome and Program Activity Architecture

The chart below illustrates the Registry of the Competition Tribunal's framework for how its program activities contribute to progress toward its strategic outcome.




## Planning Summary

**Financial Resources ($ thousands)**

| 2010-11 | 2011-12 | 2012-13 |
|---|---|---|
| $2,066 | $2,068 | $2,068 |

The financial resources table above provides a summary of the total planned spending for the Registry of the Competition Tribunal for the next three fiscal years.

**Human Resources (Full-time Equivalents – FTEs)**

| 2010-11 | 2011-12 | 2012-13 |
|---|---|---|
| 14 | 14 | 14 |

The human resources table above provides a summary of the total planned human resources for the Registry of the Competition Tribunal for the next three fiscal years.

| **Strategic Outcome:** Open, fair, transparent and expeditious hearings related to the Tribunal's jurisdiction | |
|---|---|
| **Performance Indicators** | **Targets** |
| Client level of satisfaction regarding quality of service | 80% satisfaction |
| Tribunal members' level of satisfaction regarding quality of service | 80% satisfaction |

| **Program Activity** | **Forecast Spending 2009–10** | **Planned Spending ($ thousands)** | | | **Alignment to Government of Canada Outcomes** |
|---|---|---|---|---|---|
| | | **2010–11** | **2011–12** | **2012–13** | |
| Process Cases | $1,639 | $1,550 | $1,551 | $1,551 | A fair and secure marketplace |
| Internal Services | $373 | $516 | $517 | $517 | |
| **Total Planned Spending** | | $2,066 | $2,068 | $2,068 | |

## Contribution of Priorities to Strategic Outcome

| Operational Priorities | Type | Links to Strategic Outcome | Description |
|---|---|---|---|
| In-depth training for Tribunal members | New | Open, fair, transparent and expeditious hearings related to the Tribunal's jurisdiction | **Why is this a priority?**<br>The Tribunal's mandate will be expanded in March 2010. Parties may file new types of applications pursuant to new provisions of the *Budget Implementation Act, 2009*.<br><br>**Plans for meeting this priority**<br>Organize internal seminars, with internal and external speakers, about the new provisions. |
| Increase electronic hearings of cases | New | Open, fair, transparent and expeditious hearings related to the Tribunal's jurisdiction | **Why is this a priority?**<br>Case-related documents are for the most part filed electronically and the hearing room is configured to proceed with electronic hearings. The electronic display of documents expedites the hearing process as less time is spent by the members and parties searching for documents.<br><br>**Plans for meeting this priority**<br>Provide additional training to staff on the use of courtroom technology and demonstrate to the parties and Tribunal members the benefits of electronic hearings. |

| Management Priorities | Type | Links to Strategic Outcome | Description |
|---|---|---|---|
| Develop partnerships with other small agencies to provide Registry staff more in depth experience in case processing | On-going | Open, fair, transparent and expeditious hearings related to the Tribunal's jurisdiction | **Why is this a priority?**<br>The types of cases heard by the Tribunal are specialized and experience with other organizations would provide great learning opportunities for staff.<br>**Plans for meeting this priority**<br>Review the internal workload and integrate the option of assignments with other organizations into the Integrated Business and Human Resources Plan of the Registry. |

## Risk Analysis

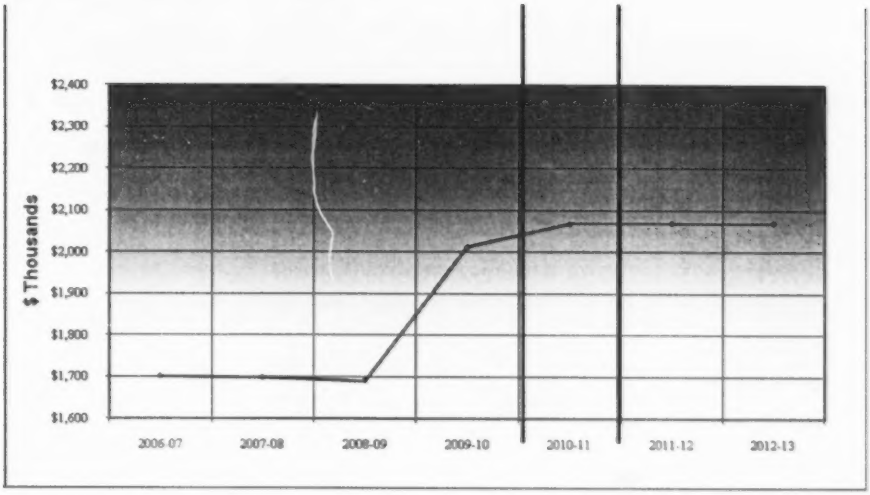
The Registry of the Competition Tribunal has an ongoing major planning challenge in that the Tribunal's sole function is to respond to the matters referred to it. As such, the Registry's activities are driven by external demands that it can only react to rather than plan for. The number of applications brought to the Tribunal depends on the enforcement policy adopted by the Competition Bureau and the number of applications filed by individuals or companies under the private access provisions of the *Competition Act*.

In March 2009, royal assent was granted to Bill C-10, which implemented certain provisions of the budget tabled in Parliament on January 27, 2009. Some provisions had a significant impact on the jurisdiction of the Tribunal. Bill C-10 repealed the Competition Act criminal provisions dealing with price discrimination, predatory pricing and price maintenance, and introduced a new civil provision to address price maintenance practices that have an adverse effect on competition. This new provision comes into force in March 2010. The Registry will closely monitor the impact of these changes on its workload.

Another potential risk relates to the limited development opportunities the Registry can offer as a micro-agency. High staff turnover in recent years points to a need for deft management of the Registry's human resources requirements so as to maintain its delivery of mandate-related and support activities.

## Expenditure Profile

### Departmental Spending Trend




The spending trend is expected to increase slightly in 2010-11 with the additional jurisdiction granted to the Tribunal by Bill C-10. The Registry cannot forecast the Tribunal's workload; it can only react to and process applications as they are filed by Canadian enterprises and the Competition Bureau. At this time, the Registry expects to be able to process these additional cases within its current approved reference level.

## Voted and Statutory Items

($ thousands)

| Vote # or Statutory Item (S) | Truncated Vote or Statutory Wording | 2009–10 Main Estimates | 2010–11 Main Estimates |
|---|---|---|---|
| 75 | Operating expenditures | $1,861 | $1,907 |
| (S) | Contributions to employee benefit plans | $151 | $159 |
| | **TOTAL** | $2,012 | $2,066 |

# Section II: Analysis of Program Activities by Strategic Outcome

## Strategic Outcome

| |
|---|
| Open, fair, transparent and expeditious hearings related to the Tribunal's jurisdiction |

The Tribunal hears applications and issues orders related to civil reviewable matters as set out in the *Competition Act.* These include deceptive marketing practices (Part VII.1) and restrictive trade practices (Part VIII).

Parties to the Competition Tribunal are mainly the Competition Bureau and Canadian businesses involved in a range of products and services. The cases it hears are complex and the impact of the decisions of the Tribunal on Canadian businesses can be significant. The Registry provides efficient and effective support to the Tribunal in processing cases. The level of satisfaction of members and clients are measured at the conclusion of each hearing. A minimum of 80% satisfaction level has been set as a target.

The following section describes the Registry's two program activities and identifies the expected result, performance indicators and targets for both of them.

## Program Activity by Strategic Outcome

**Process Cases**

| **Program Activity: Process Cases** | | | | | |
|---|---|---|---|---|---|
| **Human Resources (FTEs) and Planned Spending ($ thousands)** | | | | | |
| **2010–11** | | **2011–12** | | **2012–13** | |
| **FTEs** | **Planned Spending** | **FTEs** | **Planned Spending** | **FTEs** | **Planned Spending** |
| 10 | $1,550 | 10 | $1,551 | 10 | $1,551 |

| Process Cases: Expected Results | Performance Indicators | Targets |
|---|---|---|
| Timely Registry services that provide the public efficient access to case records and decisions | Percentage of case documents and decisions posted on website within 48 hours of filing | 90% |
| Documents that are processed according to timeframes established in the Rules of Procedure –(www.ct-tc.gc.ca/Procedures/RulesProcedure-eng.asp) | Documents processed within established timeframes | 100% |
| Efficient access to electronic hearings of applications | Percentage increase in use of electronic hearings | 25% |

## Planning Highlights

To achieve the expected results of providing the public and parties efficient access to electronic hearings, the Registry of the Competition Tribunal plans to continue maintaining its level of investment in technology. Providing the public with efficient access to case records and decisions will also continue to be a focal point of Registry activities.

To ensure documents continue to be processed according to timeframes established in the Rules of Procedure when the Registry experiences employee turnover, continuous internal learning opportunities will be provided to Registry staff. The training will give staff the knowledge for responding quickly to requests from parties to cases, allowing cases to proceed more expeditiously.

## Benefits for Canadians

The Registry of the Competition Tribunal contributes to the Government of Canada outcome area of a "fair and secure marketplace" by supporting the Tribunal in conducting open and timely hearings of cases. Outcomes of Tribunal proceedings may be felt by all Canadians. The decisions of the Tribunal help promote the efficiency and adaptability of the Canadian economy on issues related to its jurisdiction.

**Internal Services**

| Program Activity: Internal Services | | | | | |
|---|---|---|---|---|---|
| Human Resources (FTEs) and Planned Spending ($ thousands) | | | | | |
| 2010–11 | | 2011–12 | | 2012–13 | |
| FTEs | Planned Spending | FTEs | Planned Spending | FTEs | Planned Spending |
| 4 | $516 | 4 | $517 | 4 | $517 |

| Internal Services: Expected Results | Performance Indicators | Targets |
|---|---|---|
| High-quality internal services to the Registry function to ensure the infrastructure is in place to assist the Tribunal in meeting its mandate | Continuous review of internal policies | 25% per year |
| | Central agencies' rating of financial and human management | 80% |

## Program Activity Summary and Planning Highlights

This program activity is intended to establish internal services expectations and monitor overall service performance of the Registry. The Registry intends to follow the Management Accountability Framework management practices to act in the best interest of the Registry, its members, its employees and Canadians.

The planning highlights include the implementation of a policy renewal life cycle strategy that will cover areas ranging from human resources to risk management to financial management.

# Section III: Supplementary Information

**For further information please contact:**

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